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COUNSEL

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VIA FEDERAL EXPRESS OVERNIGHT MAIL

Mr. Jeff S. Jordan
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC, 20463

**RE: Arensahn Congressional Exploratory Committee
MUR No.: 5693**

Dear Mr. Jordan,

Please accept this correspondence as my response to the complaint filed with the Federal Election Commission ("FEC" or "Commission") by Dorothea Anne Wolfe on or about December 6, 2005. I respectfully request that the complaint be dismissed as unworthy of the Commission's resources, and that the Commission take no further action with respect to my campaign.

Simply stated, since first deciding to undertake my exploratory campaign, I have taken great care to abide by both the letter and the spirit of the FEC's guidelines. As such, I categorically deny Ms. Wolfe's allegation. A review of the facts below will bear this out.

Notably, at the time her complaint was filed, Ms. Wolfe was actively campaigning for the Democratic nomination from the 5th District, and thus had a strong political motivation to damage my potential candidacy. (See Exhibit A & B, Ms. Wolfe's press release announcing the FEC complaint against me and a copy of her campaign's website homepage on which the FEC complaint was prominently displayed.) Subsequently, Ms. Wolfe dropped out of the race on January 21, 2006, citing "concerns about financial and political viability."

Notably, on January 23, 2006, I officially entered the race by mailing my Statement of Candidacy to the Commission.

Background

By way of background, the 5th Congressional District includes parts of Sussex, Warren, Passaic, and Bergen Counties in the northern part of New Jersey. Most, if not all, of the 5th District is considered to be within the New York City media market, making it one of the most expensive places to run for public office in the United States.

The 5th District is currently represented by two-term Republican incumbent Scott Garrett, and previously had been represented by a twelve-term Republican Representative, Marge Roukema.

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Congressman Garrett was re-elected (over Ms. Wolfe) in 2004, garnering 57.4% of the vote. According to the FEC's website, Congressman Garrett raised over \$1,260,000 in the 2003-2004 election cycle, while Ms. Wolfe raised approximately \$490,000 in defeat. The FEC's website indicates that as of September 30, 2005, Congressman Garrett had over \$238,000 cash on hand well over a year before this year's election.

Based on these facts, it was apparent to me that I would need to ensure a significant financial base of support at the outset in order to have a chance of defeating an entrenched incumbent in a Republican-leaning district. Accordingly, I decided to undertake an exploratory campaign only until it was clear that I could raise the necessary resources and therefore be a viable candidate.

At the outset and throughout the entire course of my exploratory campaign, I took several precautions to ensure my compliance with the Commission's guidelines:

- When I decided to undertake my exploratory campaign, on April 11, 2005, I reviewed various FEC materials and spoke with numerous individuals familiar with Federal campaign laws and Commission guidelines with respect to "testing the waters." My efforts to comply with the regulations also included meeting face-to-face with a FEC information officer at the Commission's Washington D.C. offices. Based on these efforts, I made a good-faith determination as to the activities that I could undertake before officially becoming a candidate for Federal office.
- In all of my communications, I underscored the exploratory nature of my campaign.
- Although candidates who are "testing the waters" are not required to file with the FEC, I have scrupulously maintained records of contributions and expenditures in accordance with the Commission's requirements.

Nonetheless, in her complaint, Ms. Wolfe presents several examples where she alleges that I have gone beyond the permissible boundaries for an exploratory campaign. A review of each of these allegations, however, demonstrates that Commission action is clearly not justified in this matter. Each allegation is discussed detail below.

A. Allegation of Excess Fundraising

Ms. Wolfe alleges that, because I have admittedly raised more than \$100,000 from a number of contributors while exploring my candidacy, I have "raised more than what is reasonably needed to test the waters." This allegation is based on a fundamental misunderstanding of the "testing the waters" exception. I am aware of no specific dollar figure above which a candidate is no longer "testing the waters." In fact, I understand that the Commission's general counsel has written, "the Commission has recognized...that raising even \$200,000 in funds while testing the waters is not unusual, given the

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tremendous resources needed to fund a campaign." MUR 5251 (Joe Rodgers). It is apparent that I will likely need at least \$1,000,000 in order to compete on an even financial playing field with Congressman Garrett, and thus, my fundraising was well within permissible "testing the waters" limits. The number of individual contributors, of course, is irrelevant to this analysis.

Furthermore, the Commission should be aware that because I was so explicit in stating I was testing the waters in both my public and private activities, some potential supporters withheld their political and financial support due to the uncertainty of my intentions. The Commission should also be aware that the funds raised during my exploratory campaign were spent only on items directly relevant to "testing the waters," specifically a part-time fundraising consultant, a website, food and beverage for the fundraising events, and stationary.

B. Allegation of "General Public Political Advertising"

Ms. Wolfe alleges that because my efforts included an Internet website containing information about my exploratory campaign, I was engaging in "general public political advertising." Ms. Wolfe has attached various pages from my website (which has since been changed, due to my formal declaration of candidacy) as exhibits to her complaint. Notably, on every single page, my efforts are prominently described as "exploratory" in nature, and I am continually described in such terms as a "prospective candidate." Therefore, Ms. Wolfe's position must be that a potential candidate "testing the waters" can never maintain a website. This position is contrary to what I was explicitly told by an FEC information officer, as well as contrary to the FEC's own regulations. I note that 11 C.F.R. §100.26 states (with emphasis added) that:

Public communication means a communication by means of any broadcast, cable or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing or telephone bank to the general public, or any other form of *general public political advertising*. The term public communication shall not include communications over the Internet.

Based on this guidance, it is my understanding that a potential candidate "testing the waters" may in fact maintain a website, which is not to be considered "general public political advertising," so long as he or she does not make explicit statements of candidacy. Ms. Wolfe cites only one additional instance of alleged public communication, an October 27, 2005 fundraising letter. This letter was not sent to the general public, but rather, was sent mainly to individuals in my own personal Rolodex plus a limited number of additional names directly provided to me by personal friends as potential supporters of my campaign. Once again, this letter, as well, emphasized the exploratory nature of my efforts. I have not undertaken, nor has Ms. Wolfe alleged, any other public communication as I understand the meaning of the term.

C. Public Appearances

Ms. Wolfe vaguely alleges, in effect, that I have made statements that I was a declared candidate for the 5th District Congressional seat prior to my declaration of candidacy. This allegation is fundamentally inaccurate. In fact, I have made a conscious and concerted effort to underscore the exploratory nature of my effort in all of my public communications and appearances. On December 13th, 2005, for example, I held a fundraiser that was attended by a reporter from the Bergen Record. The resulting story specifically notes, "Aronsohn has not decided whether to run next year for the 5th Congressional District seat against two-term incumbent Rep. Scott Garrett, R-Wantage. But Aronsohn indicated that he would make a final decision 'within a few weeks.'" (See Exhibit C, Bergen Record article dated December 14, 2005). I scrupulously maintained a policy of emphasizing that I was only "testing the waters," as this article reflects.

D. Media Reports

Ms. Wolfe mentions that in a single media account, an anonymous political gossip column in the Star-Ledger newspaper, I was cited as a "Democratic challenger." Obviously, I have no control over how any reporter describes me in a story, however, I note that my brief comments in the article in question are directed towards Congressman Garrett's policy positions, not my potential candidacy. I categorically deny telling any reporter from that newspaper that was an active candidate for Federal office, nor did I authorize anyone to identify me as an active candidate.

Conclusion

In sum, I categorically deny Ms. Wolfe's allegations that I have gone beyond the activities permitted under the Federal Election Commission's guidelines for "testing the waters." To the contrary, I have carefully and judiciously followed both the letter and the spirit of the law. Accordingly, the complaint should be dismissed.

Respectfully submitted,



Paul Aronsohn

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Exhibit A

WOLFE *for* **CONGRESS**

For immediate release
November 14, 2005

Contact: Anne Wolfe
201-745-4221

Anne Wolfe, Democratic candidate for New Jersey's Fifth Congressional District, issued the following statement:

"In my 2004 campaign, and since formally filing my candidacy for the 2006 race with the Federal Election Commission this June, I have carefully followed federal election law. Unfortunately, it has become clear that one of my potential opponents for the Democratic nomination in the Fifth District has not.

"In engaging in partisan political campaign activities, Paul Aronson has gone beyond the threshold of reasonable activities to determine the feasibility of his candidacy. And, if his public statements are correct, he has gone well beyond the \$5,000 limit an exploratory committee is permitted to raise or spend prior to a formal and legal declaration of candidacy.

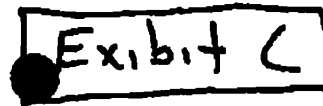
"I welcome the challenge for the Democratic nomination and the issue debates that will accompany a primary campaign, but I will not sit idly by while the laws and regulations that were enacted to ensure a level playing field in our democratic electoral system are disregarded. As a strong advocate for good government, I cannot, in good conscience, allow these violations to continue. That is why, after careful consideration, I have filed a formal complaint with the Federal Election Commission regarding Mr. Aronson's campaign activities. I look forward to the results of the commission's investigation."

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Paid for and authorized by Wolfe for Congress
P.O. Box 641, Franklin Lakes, NJ 07417

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Former McGreevey aide touted for House

Wednesday, December 14, 2005

By KAREN KELLER
HERALD NEWS

FRANKLIN LAKES - New Jersey Democrats gathered at a fund-raiser Tuesday night designed to propel Paul Aronson, the former communications director for former Gov. James E. McGreevey, to Congress.

The star guest of the evening was New Mexico Gov. Bill Richardson, who has been mentioned as a possible Democratic presidential candidate in 2008.

Richardson portrayed Aronson as a Democrat who has been successful in Republican territory.

"He's the only Democrat at Pfizer where there are 9,000 Republicans," Richardson said with a laugh.

Aronson has not decided whether to run next year for the 5th Congressional District seat against two-term incumbent Rep. Scott Garrett, R-Wantage. But Aronson indicated that he would make a final decision "within a few weeks."

The event attracted about 50 local elected officials, community activists and campaign supporters.

Aronson has already amassed \$100,000 in campaign funds, according to spokesman Adam Green.

Richardson, whose mother was Mexican and father was American, is a Democratic governor in the Southwest - a region some say is key to Democrats taking back the White House. He served in Congress for 15 years, was later U.S. ambassador to the United Nations and secretary of energy under President Bill Clinton. Richardson has been governor of New Mexico since 2003.

Some people at the fund-raiser said they felt Richardson would make a solid candidate in the Democratic primaries.

"He certainly has all the goodies in his background," Ron Verdolchio, a Bergen County resident and professor at William Paterson University, said of Richardson's background in public service.

Garrett is a conservative Republican who served in the state Assembly from 1990-02. He supported the Bush administration tax cuts and helped pass a law to protect the Highlands region.

Aronson is currently a public affairs officer at Pfizer. He served in the Clinton administration State Department.

Garrett beat Anne Wolfe of Mahwah in 2004 by a 58-42 margin.

"As a pro-business, pro-defense, moderate Democrat, I believe I can connect with the majority of voters in this district," Aronson said.

The 5th District covers Warren County and parts of Passaic, Sussex and Bergen counties.

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PRESS RELEASES

For Immediate Release
April 11th, 2005

Contact Paul S. Aronsohn
(201) 857-2819

ARONSOHN SETS UP CONGRESSIONAL EXPLORATORY CAMPAIGN

Politics in Washington is broken. It's too divisive. It's too partisan. And it's too disconnected from the real issues that affect real people. We need a new generation of leaders willing and able to do the right thing.
—Paul Aronsohn

Ridgewood - Former Clinton Administration official Paul Aronsohn today announced the formation of a congressional exploratory campaign in New Jersey's 5th district.

"My reason for doing this is simple," explained Aronsohn. "I care passionately about our State and our Country, and I am deeply concerned about the direction in which we are heading.

Too many New Jerseyans struggle day after challenging day to make ends meet, while our elected officials borrow and spend our nation further into debt.

Too many New Jerseyans struggle to get quality healthcare, while our elected officials - all of whom have taxpayer-funded coverage - do little to make the system better.

And too many New Jerseyans struggle to build a secure future for themselves and their children, while our elected officials take dangerous risks with our economy, our environment, and our retirement program."

Aronsohn, who also served a year in the McGreevey Administration, has spent most of his professional career in public service, including eight years working on foreign policy and national security issues under President Clinton. The Bergen County resident is currently an executive with one of the world's most respected healthcare companies, Pfizer Inc.

"We need a new generation of leaders - one who rejects the politics of cynicism and ideology, and embraces a politics of hope and moderation -- a new generation who recognizes that extreme politics - and the politicians who peddle it - do nothing to make people's lives better."

"In essence, we need a new generation of leaders who is committed to an old-fashioned idea - that public service should be about serving the taxpaying public."

Aronsohn plans to make a formal decision concerning the 2006 election by the end of this year.

"I will be spending the weeks and months ahead talking with and listening to the people of the 5th District. I will be traveling around the area to meet with community leaders and to participate in an ongoing conversation with the people of north and northwest New Jersey - the people who work hard, live right, and make our community such a special place."

For more information, please contact www.paularonsohn.com.

Exhibit D